

Matthew Borden, admitted *pro hac vice*
borden@braunhagey.com

J. Noah Hagey, admitted *pro hac vice*
hagey@braunhagey.com

Athul K. Acharya, OSB No. 152436
acharya@braunhagey.com

Gunnar K. Martz, admitted *pro hac vice*
martz@braunhagey.com

BRAUNHAGEY & BORDEN LLP

351 California Street, Tenth Floor

San Francisco, CA 94104

Telephone: (415) 599-0210

Kelly K. Simon, OSB No. 154213

ksimon@aclu-or.org

AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF OREGON

P.O. Box 40585

Portland, OR 97240

Telephone: (503) 227-6928

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORLAND DIVISION

INDEX NEWSPAPERS LLC, a Washington limited-liability company, dba **PORTLAND MERCURY; DOUG BROWN; BRIAN CONLEY; SAM GEHRKE; MATHIEU LEWIS-ROLLAND; KAT MAHONEY; SERGIO OLmos; JOHN RUDOFF; ALEX MILAN TRACY; TUCK WOODSTOCK; JUSTIN YAU**; and those similarly situated,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal corporation; **JOHN DOES 1-60**, officers of Portland Police Bureau and other agencies working in concert; **U.S. DEPARTMENT OF HOMELAND SECURITY**; and **U.S. MARSHALS SERVICE**,

Defendants.

Case No. 3:20-cv-1035-SI

DECLARATION OF JUNGHO KIM IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION AGAINST DEFENDANTS U.S. DEPARTMENT OF HOMELAND SECURITY AND U.S. MARSHALS SERVICE

I, Jungho Kim, declare:

1. I am a California resident who lives in the City of San Francisco. I am a freelance photojournalist. My work has been published in the *San Francisco Chronicle*, *CalMatters*, and other outlets. I attended the Portland protests for the first time on the night of July 19, 2020. If called as a witness, I could, and would, testify competently to the facts below.

2. I was clearly marked as press. I wore a reflective neon yellow vest with a large reflective white stripe that said “PRESS” in big block letters, as well as a white helmet with reflective patches on the sides that said “PRESS” on the front and rear. I also wore a press pass issued by the National Press Photographers’ Association, the largest and oldest body of professional photojournalists in the United States. I was using a professional Sony A9 camera with a 35mm lens.

3. I have covered protests in Hong Kong and the Bay Area, and I know how to conduct myself as a journalist during protests. I never, ever take part in the protests and have never uttered a chant. When the police are dispersing a crowd, I know to get out of the way and do my work from the side. Because I follow these principles, I have never been shot by the authorities in Hong Kong or the Bay Area. The federal agents who shot me last night are a different story.

4. After the fence outside the federal courthouse had been taken down, federal agents came outside to disperse the crowd. They were firing tear-gas canisters, pepper bullets, and other munitions. Because of my experience, I knew to move to the side.

5. Federal agents pushed protesters all the way to the west side of the park. I stayed parallel with them for a while, but wanted a photo from the rear, so I let them get ahead of me. This group of agents got as far as 10 meters in front of me. Another group of agents was setting up a defensive position 20-30 meters away.

6. This is a true and correct copy of a photograph I took around this time. It accurately depicts the distance from me to the nearest group of officers:



7. Suddenly, without warning or reason, an agent shot me in the chest with a pink marker round. It did not hurt me, because I was wearing a ballistic vest, but it hit me directly below the heart. That is an unacceptable use of force for almost any round intended to be less than lethal. I do not believe it was an accident, either, because I was stationary and there were no protesters around me that agents might have been aiming at.

8. This is a true and correct copy of a photograph I took of my torso area immediately after the federal agents shot me:



9. This is a true and correct copy of a photograph I took of some type of munition fired into and exploding in the middle of a group consisting mostly of press and NLG legal observers:



10. I would like to continue attending and documenting the protests. That is my job, and I have been able to do it in other places, including Hong Kong, without being willfully and maliciously shot. I am fearful, however, that U.S. federal agents will continue to target me and possibly injure me to a much greater extent than they did on this occasion.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Dated: July 21, 2020

DocuSigned by:

Jungho Kim
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Jungho Kim